

**MINUTES OF THE
MARKETING & OPERATIONS COMMITTEE MEETING OF THE
CONVENTION CENTER AUTHORITY OF THE
METROPOLITAN GOVERNMENT OF NASHVILLE &
DAVIDSON COUNTY**

The Marketing & Operations Committee Meeting of the Convention Center Authority of the Metropolitan Government of Nashville and Davidson County (CCA) was held on August 26, 2010 at 9:41 a.m., in Room 212 at the Nashville Convention Center, Nashville, Tennessee.

MARKETING & OPERATIONS COMMITTEE MEMBERS PRESENT: Mona Lisa Warren, Mark Arnold, Ken Levitan and Luke Simons

MARKETING & OPERATIONS COMMITTEE MEMBERS NOT PRESENT: None

OTHERS PRESENT: Charles Starks, Kristen Heggie, Holly McCall, Larry Atema, Marty Dickens, Charles Roberts, Natasha Blackshear and Harriett Royer

Mona Lisa Warren, Chair of the Marketing & Operations Committee, opened the meeting for business.

ACTION: Luke Simons made a motion to approve the Marketing & Operations Committee Meeting Minutes of July 29, 2010. The motion was seconded by Ken Levitan and approved unanimously by the Committee.

Holly McCall began by presenting the Open Records policy for the Music City Center. (Attachment #1) The committee agreed that any request for copies must come in the form of a written request.

ACTION: Mark Arnold made a motion to adopt the Open Records policy for the Music City Center as presented. The motion was seconded by Luke Simons and approved unanimously by the Committee.

Ms. McCall also gave an update on the website design, quarterly newsletter and media. There were questions and discussion.

Mona Lisa Warren began discussing the Music City Center public art project. She noted that a presentation will be made to the Metro Council on September 17th. There were additional updates on the art project.

Charles Starks referenced the Music City Center floor plans that were distributed during the ASAE conference in Los Angeles. There were questions and discussion about Music City Center bookings and proposed timeframe for Omni Hotel groundbreaking and opening dates.

Kristen Heggie provided an infrastructure report.

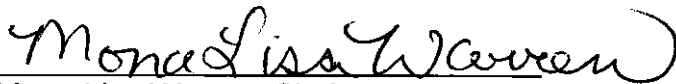
With no additional business a motion was made to adjourn, with no objection the Marketing & Operations committee of the CCA adjourned at 10:12 a.m.

Respectfully submitted,



Charles L. Starks
Executive Director
Nashville Convention Center

Approved:



Mona Lisa Warren, Chair
Marketing & Operations Committee
Of August 26, 2010



Convention Center Authority Open Records Policy

ARTICLE I GENERAL PROVISIONS

1.1 Purposes and Rules of Policy. This document serves to set forth and establish the policies for the inspection and copying of public records under the Tennessee Public Records Act (T.C.A. § 10-7-503 *et seq.*) for the Convention Center Authority of the Metropolitan Government of Nashville and Davidson County (the “Convention Center Authority”). The underlying purposes of this policy are as follows:

1.1.1 To comply with the Tennessee Public Records Act (T.C.A. § 10-7-503 *et seq.*) by permitting the inspection and copying of the public records of the Convention Center Authority;

1.1.2. To provide any citizen of Tennessee the opportunity to inspect all records of the Convention Center Authority that are not confidential, exceptions to the Tennessee Public Records Act, or otherwise protected from disclosure by law; and

1.1.3 To provide citizens of Tennessee the opportunity to copy or have provided to them a copy of records of the Convention Center Authority that are not confidential, exceptions to the Tennessee Public Records Act, or otherwise protected from disclosure by law for a fee in compliance with law that recovers for the Convention Center Authority the actual cost to the Convention Center Authority of producing and delivering the copies.

1.2 Executive Director Responsibility. The Executive Director for the Convention Center Authority or his or her designee as determined for certain matters from time-to-time (collectively the “Executive Director”) shall be responsible for carrying out this policy. The Executive Director may adopt supplemental rules, not inconsistent with this order. The Executive Director shall also have the responsibility:

1.2.1 To preserve the confidentiality of a public record or information in a public record that is confidential under the Tennessee Public Records Act (T.C.A. 10-7-504 *et seq.*);

1.2.2 To protect public records from damage or disorganization; and

1.2.3 To make public records not exempt from disclosure and in the Executive Director’s or designee’s custody available for inspection during normal business hours unless a state law provides otherwise.

1.3 Requests for Inspection of Public Records. The Convention Center Authority may not require a request to view a public record to be in writing and may not assess a charge to view a public record unless otherwise required by law (T.C.A. § 10-7-503(a)(7)).

1.4 Requests for Copies of Public Records. The Convention Center Authority may require a request for copies of public records to be in writing (T.C.A. § 10-7-503(a)(7)).

1.5 Photo Identification Required. The Convention Center Authority may require a citizen making a request to inspect or copy a public record to present photo identification, if the person possesses photo identification, issued by a governmental entity, which includes the person's address. If a person does not possess such photo identification, the Convention Center Authority may require other forms of identification acceptable to the Convention Center Authority (T.C.A. § 10-7-503(a)(7)).

1.6 Sufficient Detail Required. Any request for inspection or copying of a public record shall be sufficiently detailed to enable the Convention Center Authority to identify the specific records to be located or copied (T.C.A. § 10-7-503(a)(7)).

1.7 Definitions. In the interpretation and application of this policy, the following terms shall have the meanings set forth below wherever they appear in this policy unless the context in which they are used clearly requires a different meaning or different definition is prescribed for a particular provision:

1.7.1 "Confidential record" is any record, or part of a record, which is defined by the Tennessee Public Records Act, or other state or federal law, as being exempt from public inspection, including, but not limited to, those records listed in T.C.A. § 10-7-504.

1.7.2 "Labor" means the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing records.

1.7.3 "Public Official" means federal, state, and local government officials who seek records in their official capacity.

1.7.4 "Public records or records" means all written or electronically created or stored documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Convention Center Authority or as may further be defined in T.C.A. § 10-7-301(6).

ARTICLE II PROCEDURE FOR INSPECTING OR COPYING PUBLIC RECORDS

2.1 General Requirements. Any citizen of Tennessee who has requested access to the Convention Center Authority public records is entitled to inspect or copy the public record(s) if such record(s) is not exempt from disclosure. Where part of a public record contains information exempt from disclosure, that part shall be redacted. Public records not exempt from disclosure shall be made available promptly for inspection or copying. Where a prompt turnaround is not practicable, within seven (7) business days the custodian shall [a] make the information available; [b] deny the request in writing and include the basis for

the denial; or [c] furnish the requestor with the estimated time that will be reasonably necessary to produce the record or information if it will not be produced within seven (7) business days.

2.2 Non-Existent Records. The Convention Center Authority is not responsible for searching through files to compile information or for creating records that do not exist.

2.3 Cost of Copies. To the extent possible, copies shall be made on the copying equipment owned or leased by the Convention Center Authority. Where the equipment does not exist, is inoperative, is not designed to copy the records requested, or the requestor wants the copies in a format the Convention Center Authority's equipment cannot accommodate, the copies may be made on commercial copying equipment. Requestors shall be charged \$0.15 per page (8 ½ x 11 or 8 ½ x 14 paper) for black and white copies. For documents in color, requestors shall be advised that color copies are available at a higher charge than black and white copies. If the requestor then requests a color copy, the requestor shall be charged \$0.50 per page (8 ½ X 11 or 8 ½ x 14 paper). Duplex copies (copies on both sides of a page of paper) are charged as two (2) separate copies. These charges are designed to cover the cost to the Convention Center Authority for copies of records maintained and provided to requestors. This is a reasonable amount that reflects the cost based upon the average cost for the copy machine, paper and supplies, and overhead costs and is also an amount equal to or less than the amount adopted by the Office of Open Records Counsel of the State of Tennessee as a reasonable cost for producing a copy of a public record.

2.4 Cost of Labor. The Executive Director can charge the requestor for employee labor that is reasonably necessary to produce the requested records. However, no charge shall accrue for the first one (1) hour incurred by personnel in producing the requested material. Costs are charged based on the hourly wage of the employee(s) (not including benefits). For salaried employees, the hourly wage is determined by dividing the employee's annual salary by the required hours to be worked per year (salary/ [52 weeks per year x hours worked per week]). The Executive Director shall determine the number of hours each employee spent producing a request and then subtract one (1) hour from the highest paid employee. The Executive Director will then multiply each employee's hourly wage by the total number of labor hours worked by that employee. Finally, the total labor hours for all employees will be added together to determine the total labor amount to charge.

2.5 Retrieval of Requested Information. Requestors will retrieve requested records by hand delivery when they return to the custodian's office. If the requestor requests delivery by means of the United States Postal Service, or through any other delivery means agreed to by the Executive Director, costs incurred in delivering the copies will be assessed in addition to other permitted charges. The requestor shall pay the costs before the copies are provided to the requestor.

2.6 Special Copies. The Executive Director shall produce records using the most cost efficient method(s).

2.6.1 The Executive Director shall establish a written schedule of charges for special copies of records that are not maintained or provided on 8 ½ x 11 or 8 ½ x 14 paper if the actual cost of providing such record exceeds \$0.15 per page for black and white copies or \$0.50 per page for color copies.

2.6.2 The Executive Director may establish a written schedule of charges for copies provided on 8 ½ x 11 or 8 ½ x 14 paper if the actual cost of providing such record exceeds \$0.15 per page for black and white copies or \$0.50 per page for color copies.

2.7 Additional Policies Related to Charges. Policies proposing to charge more than \$0.15 per page for black and white copies or \$0.50 per page for color copies must be submitted to the Board of Directors of the Convention Center Authority (the "Board") for approval along with documentation that demonstrates that the proposed schedule of charges represents the actual costs. Such documentation will also include the calculations and reasoning used to determine actual costs.

2.8 Calculation of Copying Cost. The estimated cost of providing copies requested shall be calculated by the Executive Director and explained to the requestor. Should a requestor cancel the public records request, to the extent costs have been incurred, the requestor shall be responsible for paying the costs incurred. The requestor shall have agreed in writing to make the payment as set out in this section and as explained to the requestor before the copies are made. The Executive Director has the discretion to reduce or waive payment of costs if the requesting party is indigent or if the administrative cost of collecting the payment is greater than the cost of providing the copies. A decision to reduce or waive costs shall be made in such manner so as to be in the best interests of the Convention Center Authority, shall be in compliance with all federal, state, and local laws, shall be made with complete impartiality and shall not be made in a way to give the appearance of preferential treatment. Where it is not practical or possible for the Convention Center Authority's copying equipment to prepare the copies of the records requested, the Executive Director shall immediately notify the requestor. The requestor may then request the Executive Director to determine and advise the requestor of the estimated cost to commercially reproduce a copy of the records. After the requestor pays the estimated commercial reproduction costs, the Executive Director shall arrange the commercial reproduction of the documents for the requestor. The requestor shall pay any costs exceeding the estimated cost before the copies are provided to the requestor.

2.9 Commercial Reproduction Cost. Where it is not reasonably possible for the Convention Center Authority staff to prepare the copies within the time frame the requestor needs, the Executive Director shall immediately notify the requestor. The requestor may then request the Executive Director to determine and advise the requestor of the estimated cost to commercially reproduce a copy of the records. After the requestor pays the estimated commercial reproduction costs, the Executive Director shall arrange the commercial

reproduction of the documents for the requestor. The requestor shall pay any costs exceeding the estimated cost before the copies are provided to the requestor.

2.10 Estimated Retrieval Costs. Where the Executive Director will be assessed a charge to retrieve requested records from archives, or any other entity having possession of the requested records, the Executive Director shall immediately notify the requestor. After the requestor pays the estimated retrieval costs, the Executive Director shall arrange for the retrieval and reproduction of the documents for the requestor. The requestor shall pay any costs exceeding the estimated cost before the copies are provided to the requestor.

2.11 Format. The Convention Center Authority shall give the requestor the option of receiving information in any format in which it is maintained by the Department, including electronic format consistent with Tennessee Code Title 10, Chapter 7, Part 1.

2.12 Large-Volume Requests. When large-volume requests are involved, the Convention Center Authority shall provide the information in the most efficient and cost effective manner, including but not limited to permitting the requestor to provide copying equipment or an electronic scanner when reasonable.

2.13 Requests by Public Officials. Public Officials shall not be charged for copies of records where the total cost prescribed for copies of public records does not exceed twenty-five (\$25.00) dollars. The Executive Director may waive any or all payment by Public Officials where the waiver is in the best interest of the Convention Center Authority.

2.14 Compliance with State Laws. It is the intent of this policy to comply with all state laws including Title 8, Chapter 4, Part 6, of the Tennessee Code, the Office of Open Records Counsel, and T.C.A. § 10-7-503. Should it be determined that the requirements of state law conflict with the provisions of this Executive Order, the state law shall govern as to that requirement (See for example T.C.A. § 8-21-401 (i)(4), (5) and (11) which identifies the uniform copying fees applied in all courts).

2.15 Compliance with Executive Order. Although the Convention Center Authority is not a Department of the Metropolitan Government, it is the intention of this policy to comply with the Mayor's Executive Order No. 035.

2.16 Amendment to Schedule of Reasonable Charges. At such time as the Office of Open Records Counsel, created by 2008 Tennessee Laws, Pub. Ch. 1179, Section 6, alters or amends the schedule of reasonable charges that a records custodian may impose, this policy will be reviewed by the Board to determine whether changes to this policy are necessary.

